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**Sent:** 5/7/2019 10:44:57 PM  
**To:** Ballona Wetlands [landtrust@ballona.org]  
**Subject:** Fiscal Analysis of AB 1511 published  
**Attachments:** 201920200AB1511\_Assembly Appropriations\_.pdf

Dear GB members,

I hope that you can take the time to read the attached two-page fiscal analysis published yesterday by the Appropriations Committee of the State Assembly. The analysis provides interesting information about Commission staffing levels, which will remain at all-time lows (two staff), or be even lower (one staff). The analysis does not indicate whether the Commission will still maintain a local public office, but it does suggest that staff will require travel to provide meeting support (apparently anticipated to be quarterly by the Conservancy). Most notably, the analysis cites a justification for the bill that is not supported by fact and which is clearly intended to mask the real motivations for the bill.

*"When the Commission was first established in statute, its mission focused on water quality. Now the Commission is more focused on restoration projects and public access. Thus, moving the administrative duties from the Water Board to the SCC better aligns with the current activities and goals of the Commission."*

All of you know that this assertion grossly misrepresents the past and current priorities of the Commission and the significance of the Action Plan as communicated to you by the Foundation at the time of development and adoption. The Santa Monica Bay **Restoration** Commission, like the Santa Monica Bay **Restoration** Project before it, has always been focused on restoration projects, which also typically improve water quality. Issues like public access and climate change are also not new focuses, and were prominently referenced in the 2008 and 2013 Bay Restoration Plan updates and likely earlier documents as well. Likewise, water quality continues to be a "primary goal" of the current Action Plan. The National Estuary Program is a Clean Water Act program overseen by US EPA. Moving the Commission from Cal EPA (Water Boards) to the Natural Resources Agency (Conservancy) is akin to moving the federal estuary program from US EPA to the Department of the Interior. The Commission never shifted away from its statutory focus on water quality improvement as the language in the analysis implies.

An internal Water Boards e-mail to its Chief Counsel states that "the introduced bill may deal with legal issues that the Commission has been encountering." This statement vaguely hints at one actual reason that the Foundation seeks new legislation for SMBRC, which is to create distance from the legislative history and intent of the Commission's 2002 enabling statute. Changes imposed on the Commission by the Foundation over the last four to five years undermine that 2002 legislative intent. Similarly, the Foundation ensured that the review of SMBRC's structure and governance was not facilitated by resources provided by the State Water Boards, but instead hired a former Conservancy employee with whom the Foundation had a long-standing relationship, at a cost of what appears to be approaching \$24,000.

All of the objective facts are eventually going to surface with regard to this bill, just as they always do. It is not appropriate to mislead the legislature about the actual purpose of a bill, and we are confident that the facts will demonstrate that is what has occurred with AB 1511. It is disappointing that not a single member of this Governing Board has been willing to stand up against such an obvious circumvention of transparency and good faith policy-making.

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